

Application No. 10/648,445
Attorney Docket No. 10018579-1
(HD#6215-000066/US)

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REMARKS

Claims 1-28 are pending. Of these, claims 1, 13, 24 and 27 are written in independent format.

SPECIFICATION OBJECTIONS

On page 2 of the Office Action, the Examiner notes a couple of typographical errors in Paragraph 26 of the present specification. The Examiner's efforts to bring this to Applicant's attention is appreciated. By this Reply, those typographical errors have been corrected. Accordingly, withdrawal of the objection is requested.

In addition, Applicant has identified and corrected (by this Reply) a few other typographical errors in the present specification.

§ 102 REJECTION – '208 PATENT

Beginning on page 3 of the Office Action, claims 1-9, 13-20 and 24-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,631,208 to Kinjo et al. ("the Kinjo '208 patent"). This rejection is traversed.

The Kinjo '208 patent is directed to a digital laboratory system 10 (see FIG 1) for performing red-eye correction upon digital images. FIG 1 depicts a line CCD 30 included within a line CCD scanner 14. Line CCD 30 is conventional in nature such that if line CCD 30 were to be read (i.e., if output were to be generated by line CCD 30), then all pixels of line CCD 30 would be read/output. That is, it is impossible for less than all of the pixels of line CCD 30 to be read from (output by) line CCD 30. The output of line CCD 30 is converted from analog to digital by A/D converter 32, with the output of A/D converter 32 representing the output of line CCD scanner 14.

A distinction over the Kinjo '208 patent of independent claim 24 (for example) is a pixel-differentiated image sensor for which member-pixels of a subset of the entire

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set of pixels are individually addressable, the image sensor being controllable to read less than all of the pixels without having to read all of the pixels. As noted, line CCD 30 of the Kinjo '208 patent cannot read/output less than all of its pixels.

Independent claim 27 recites a feature similar to claim 24 and thus at least similarly distinguishes over the Kinjo '208 patent. Claims 25-26 and 28 depend at least indirectly from claims 24 and 27, respectively, and thus at least similarly distinguish over the Kinjo '208 patent.

Returning to the Kinjo '208 patent, the output of CCD line sensor 14 is a complete digital image, i.e., is a digitized version of analog data produced when line CCD 30 is read (recalling that line CCD 30 cannot read so as to output less than all of its pixels). That complete digital image is provided to an image processing system 16 that includes, among other things, data processing section 200 and red-eye processing sections 220 and 222. Data processing section 200 performs processes such as darkness correction, correction of defective pixels and shading correction upon the complete digital image received from CCD line sensor 14; see column 11, lines 32-36. Red-eye processing sections 220 and 222 operate indirectly upon the corrected complete image data produced by data processing section 200.

The Examiner has directed Applicant's attention to column 18, lines 20-26 of the Kinjo '208 patent. It appears that the Examiner interprets this passage as teaching member pixels of a subset of pixels that are individually addressable. Assuming for the sake of discussion that this is a reasonable interpretation, this passage is part of a description of how red-eye processing sections 220 and 222 perform red-eye correction processing. The skilled artisan would have understood that such pixel data corresponds to some version of the corrected complete image data output from data processing section 200. Such data is not data provided at the output of an image sensor.

A distinction over the Kinjo '208 patent of independent claim 13 is reading less than all data available at the output of the image sensor for which selected ones but not all of the entire set of pixels are individually addressable. Again, it is not possible to

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selectively read fewer than all pixels available at the output of line CCC 30, rather all pixels of line CCD 30 must be read at the same time.

Independent claim 1 recites a feature similar to claim 13 and thus at least similarly distinguishes over the Kinjo '208 patent. Claims 2-9 and 14-20 depend at least indirectly from claims 1 and 13, respectively, and thus at least similarly distinguish over the Kinjo '208 patent.

By failing to disclose each element of the rejected claims, the Kinjo '208 patent cannot be regarded as anticipatory. Hence, the § 102(b) rejection is improper and its withdrawal is requested.

§ 103 REJECTION – KINJO '208 + VARIOUS SECONDARY REFS

Beginning on page 11 of the Office Action, claims 10-11 and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kinjo '208 patent in view of a secondary reference, namely U.S. Patent No. 6,480,624 to Horie et al. ("the Horie '624 patent"). On page 12 of the Office Action, claims 12 and 23 are rejected under § 103(a) as being unpatentable over the Kinjo '208 patent in view of a secondary reference, namely assertedly known technology of which the Examiner has taken Official Notice. Applicant disagrees with the rejections.

Claims 10-13 and 21-23 depend from claims 1 and 13, respectively, and thus at least similarly distinguish over the Kinjo '208 patent. Neither secondary reference discloses the respective distinctions over the Kinjo '208 patent. Accordingly, claims 10-13 and 21-23 distinguish over the combinations of the Kinjo '208 patent and the secondary references, respectively.

By failing to disclose each element of the rejected claims, combinations of the Kinjo '208 patent and the secondary references, respectively, cannot be regarded as a proper basis for an obviousness rationale. Hence, the §103(a) rejections are improper and their withdrawal is requested.

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(HD#6215-000066/US)**CONCLUSION**

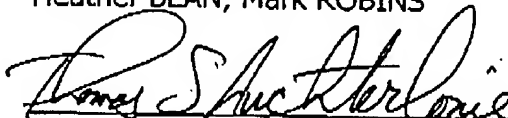
The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-2025, including, in particular, extension of time fees.

Respectfully submitted,
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